

DETAILED ACTION

The continued prosecution of this case is limited to the new grounds of rejection under 37 CFR 41.50(b) by the Board of Patent Appeals and Interferences. The rejection of claims 4, 5, 8, 9, 14, 20, 21, 26, and 27 under 35 USC 103(a) in view of Pulsipher and Steele is not open to further prosecution since this rejection was affirmed in the 2 April 2008 decision rendered at the BPAI. See MPEP 2114.01.

Therefore, the amendments made to claims 4, 8, 14, 20, and 26 are non-compliant because the amendments and arguments currently made regarding these amended claims cannot be the basis for any further prosecution in accordance with MPEP 2114.01.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is 571-272-3918. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George C. Neurauter, Jr./
Primary Examiner, Art Unit 2143